

Queensland



CORRECTIVE SERVICES (ADMINISTRATION) ACT 1988

**Reprinted as in force on 7 July 1994
(includes amendments up to Act No. 29 of 1994)**

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 7 July 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- update references (Pt 4, Div 3)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use gender neutral office names (s 25)
- correct spelling and use different spelling consistent with current legislative drafting practice (s 26(2))
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- use appropriate names for instruments and provision units (ss 31 and 32)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (ss 36, 37, 38, 39 and 40)
- omit unnecessary referential words (section 41)
- omit historical notes (s 42)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44).

Also see Endnotes for—

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint**
- **further information about editorial changes made in the reprint, including—**
 - **Table of changed citations and remade laws**
 - **Table of obsolete and redundant provisions**
 - **Table of corrected minor errors**
 - **Table of renumbered provisions.**

Queensland



**CORRECTIVE SERVICES
(ADMINISTRATION) ACT 1988**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	5
2	Objects	5
5	Certain references to be taken to refer to Commission	5
6	Interpretation	6
8	Administration	7
PART 2—THE QUEENSLAND CORRECTIVE SERVICES COMMISSION		
<i>Division 1—Constitution of Commission</i>		
9	Constitution of Commission	7
10	Commissioners	8
11	Duration of appointment	8
12	Fees and allowances	9
17	Commission represents Crown	9
<i>Division 2—Functions and powers</i>		
18	Functions of Commission	9
19	Powers of Commission	10
20	Rules	11
21	Delegations	12
23	Commission subject to direction of Minister	12
<i>Division 3—Proceedings and business</i>		
24	Times and places of meetings	13
25	Presiding at meetings	13

26	Quorum at meetings	13
27	Notice of meetings	13
28	Adjournment of meetings	14
29	Conduct of Commission's affairs	14
30	Custody of seal; authentication of documents	15
32	Disclosure of interest	16

PART 3—PROVISIONS AFFECTING PERSONNEL

33	Appointment of Director-General and secretary	18
34	Other officers of Commission	18
35	Conditions of employment on contract	20
36	Rights of officers previously employed in the public service	20
37	Participation in superannuation scheme pursuant to other Act	22
38	Contributions by Commission	22
39	Resignation	22
40	Retirement	23
41	Mode of resignation or retirement	23
42	Retrenchment	23
43	Discipline	24
44	Implementation or order	25
45	Suspension	25

PART 4—FINANCIAL PROVISIONS

51	Commission entitled to certain moneys	26
52	Funds to be maintained	27
53	General Fund	27
54	Trust Fund	28
55	Prisoners' Trust Fund	29
56	Other prescribed funds	30
57	Budget of Commission	30
58	Observance of budget	30
59	Treatment of surplus and deficit	31
60	Payment of grants to Commission	31

PART 5—MISCELLANEOUS

61	Secrecy	32
62	Protection for acts done pursuant to Acts	32
63	Commission deemed to be owner of property	33
64	Surrender of equipment	34
65	Service of documents on Commission	35
66	Prosecutions	35
67	Certificate of secretary evidence of Commission's decisions	35
68	Protection of Commission's name	35
69	Grant in fee simple of certain lands to Commission	36
70	Annual report	36
71	Regulations	36
72	Review of Acts	37

ENDNOTES

1	Index to Endnotes	38
2	Date to which amendments incorporated	38
3	List of legislation	38
4	List of annotations	39
5	Table of changed citations and remade laws	41
6	Table of obsolete and redundant provisions	42
7	Table of corrected minor errors	42
8	Table of renumbered provisions	42

CORRECTIVE SERVICES (ADMINISTRATION) ACT 1988

[as amended by all amendments that commenced on or before 7 July 1994²]

An Act to provide for the Queensland Corrective Services Commission, its functions and powers and for purposes related to the administration of corrective services

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Corrective Services (Administration) Act 1988*^{3–8}.

Objects

- 2.** The principal objects of this Act are to—
- (a) provide for the regulation of corrective services; and
 - (b) provide for the development and administration of corrective services by the Queensland Corrective Services Commission.

Certain references to be taken to refer to Commission

5. On and from the appointed day a reference in any Act (other than this Act or the *Corrective Services Act 1988*) or in any instrument made under any Act (other than this Act or the *Corrective Services Act 1988*) to the Comptroller-General of Prisons, the Chief Probation Officer, the Chief Probation and Parole Officer, the Prisons Department, the prison service or the Probation and Parole Service shall be read as a reference to the Commission.

Interpretation

6. In this Act—

“appointed day” means 15 December 1988;

“Commission” means the Queensland Corrective Services Commission constituted by this Act;

“commissioner” means a commissioner of the Commission;

“community corrections” means—

- (a) services related to prisoners who are released on parole and persons subject to probation orders, community service orders or fine option orders;
- (b) community corrections centres and services related to community corrections centres;
- (c) programs for prisoners who are living or working outside of a prison and for persons subject to probation orders, community service orders or fine option orders;
- (d) services related to and programs for such persons or classes of persons as are from time to time prescribed by regulation;

“community corrections centre” has the meaning ascribed to that term by the *Corrective Services Act 1988*;

“corrective services” means community corrections and custodial corrections;

“custodial corrections” means—

- (a) prisons and services related to prisons;
- (b) programs for prisoners who are detained in a prison;

“Director-General” means the Director-General of Corrective Services appointed under this Act;

“employee” in relation to the Commission means a person employed by it on wages;

“officer” in relation to the Commission means a person employed by it on salary, or engaged and appointed by it on a contract basis, on the basis of full-time employment or part-time employment;

“**prison**” has the meaning ascribed to that term by the *Corrective Services Act 1988*;

“**prisoner**” means a person in the custody of the Commission and includes a person released on parole;

“**prison service**” has the meaning ascribed to that term by the *Prisons Act 1958*;

“**secretary**” means the secretary to the Commission and includes any person who for the time being performs the duties of that office.

Administration

8. This Act and the *Corrective Services Act 1988* shall be administered by the Minister and subject thereto by the Commission.

PART 2—THE QUEENSLAND CORRECTIVE SERVICES COMMISSION

Division 1—Constitution of Commission

Constitution of Commission

9.(1) There is constituted by this Act a Commission under the name and style ‘The Queensland Corrective Services Commission’.

(2) The Queensland Corrective Services Commission, by that name and style—

- (a) shall be a body corporate, with perpetual succession;
- (b) shall have a common seal;
- (c) shall be capable in law of suing and being sued and of acquiring, holding and disposing of land and other property, of granting and taking leases of land and other property and of doing and suffering all such other acts and things as bodies corporate may in law do and suffer;

(d) shall be capable of compounding or proving in any court of competent jurisdiction all debts and sums of money due to it.

(3) All courts, Judges, justices and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document or writing and, until the contrary is proved, shall presume that the seal was duly affixed.

(4) The Commission is a unit of the public sector within the meaning of the *Public Sector Management Commission Act 1990*.

Commissioners

10.(1) The Commission consists of the following commissioners—

- (a) the chairperson;
- (b) the deputy chairperson;
- (c) 6 other commissioners.

(2) The commissioners are to be appointed by the Governor in Council.

(3) In deciding whether to appoint a person, the Governor in Council must have regard to the person's expertise in matters relevant to, or experience relevant to, the functions of the Commission.

(4) The Governor in Council may appoint a person to act as a commissioner during any period, or all periods, when the commissioner is absent or cannot, for another reason, perform the duties of the office.

Duration of appointment

11.(1) A commissioner is to be appointed for a term of not longer than 3 years.

(2) The office of a commissioner becomes vacant if the commissioner—

- (a) dies; or
- (b) resigns by signed notice given to the Minister; or
- (c) is absent from 3 consecutive meetings of the Commission without the Commission's leave and without reasonable excuse; or

Corrective Services (Administration) Act 1988

- (d) is found guilty of an indictable offence or an offence against this Act or the *Corrective Services Act 1988*; or
- (e) becomes employed by, or a contractor of, the Commission; or
- (f) is removed from office under subsection (3).

(3) The Governor in Council may remove a commissioner from office if the commissioner—

- (a) engages in misbehaviour; or
- (b) becomes incapable of performing the duties of a commissioner because of physical or mental incapacity; or
- (c) is incompetent; or
- (d) does anything else that, in the Governor in Council's opinion, is a reasonable and adequate justification for removal from office.

(4) The Governor in Council may remove all or any commissioners from office if the Commission does not comply with a direction of the Minister given under section 23.

Fees and allowances

12. The commissioners are entitled to be paid by the Commission the fees and allowances decided by the Governor in Council.

Commission represents Crown

17. For the purposes of this Act and the *Corrective Services Act 1988* the Commission represents the Crown and has and may exercise all the rights, privileges and remedies of the Crown.

Division 2—Functions and powers

Functions of Commission

18.(1) Subject to this Act, the Commission shall be responsible for the exercise and discharge of the powers and authorities conferred and the functions and duties imposed on it by or under this or any other Act.

- (2) Without limiting the generality of subsection (1) the Commission—
- (a) shall, subject to any direction of the Minister given under section 23, determine policy in relation to the administration, management and control of corrective services;
 - (b) shall develop and administer services and programs for the purposes of assisting prisoners to be absorbed into the community and to assist and encourage them to acquire such skills as may be necessary or desirable for their integration with the community upon their release from prison;
 - (c) shall develop and administer services and programs for the purpose of counselling persons subject to probation orders, community service orders or fine option orders;
 - (d) shall develop and administer services and programs designed to encourage prisoners, and persons referred to in paragraph (c), to initiate, maintain and strengthen ties with members of their families and the community.

Powers of Commission

19.(1) The Commission has and may exercise such powers as are necessary or desirable to allow the proper discharge by it of its functions or any of them whether under this or any other Act.

(2) Without limiting the generality of subsection (1) or the powers had by the Commission in its corporate capacity the Commission may—

- (a) acquire real and personal property for the conduct of its operations;
- (b) establish training facilities and provide courses and scholarships for officers and prisoners, and for persons subject to probation orders, community service orders or fine option orders;
- (c) arrange for an exchange of officers between the Commission and the authority in another country or in another State or a Territory of the Commonwealth that is responsible in that country, State or Territory for the operation of corrective services or any of them;
- (d) engage persons to advise it in respect of matters of a legal, financial or technical nature or that relate to security, buildings or

Corrective Services (Administration) Act 1988

the welfare of persons;

- (e) enter into arrangements with any person or body for the purpose of any investigation, study or research that, in the Commission's opinion, is necessary or desirable having regard to the purposes of this Act or the *Corrective Services Act 1988*;
- (f) engage a person (other than a commissioner, or an officer or employee of the Commission) or a body of persons to conduct on the Commission's behalf any part of its operations whether under this Act or the *Corrective Services Act 1988*;
- (g) grant financial and other assistance to persons or bodies of persons concerned with the welfare of prisoners or persons subject to probation orders, community service orders or fine option orders or their families;
- (h) encourage improvement in the standard and method of work performed by its officers and employees by such means as to it seem appropriate including the establishment of awards for competence and innovation.

(3) The Commission may authorise a person or body of persons engaged under subsection (2)(f) to exercise the powers (other than the power of delegation) and perform the functions conferred on—

- (a) the Commission; or
- (b) an officer or employee of the Commission;

under this or another Act.

(4) An authorisation under subsection (3) may be given subject to any condition or limitation that is specified in the authorisation.

Rules

20.(1) The Commission may make rules, not inconsistent with this Act or the *Corrective Services Act 1988* or regulations made under either Act, providing with respect to—

- (a) the management, security and good order of prisons and community corrections centres;
- (b) the safe custody, welfare and privileges of prisoners;

Corrective Services (Administration) Act 1988

- (c) the duties, functions, powers, conduct and appearance of its officers and employees;
- (d) all matters that are required or permitted to be the subject of such rules whether under another provision of this Act or under the *Corrective Services Act 1988*.

(2) The power to make rules contained in subsection (1)(c) includes the power to prescribe a code of conduct for the Commission's officers and employees (whether on or off duty).

(3) The body of rules made under subsection (1), as amended and in force for the time being, shall be intitled the 'Commission's Rules'.

(4) The Commission shall cause the Commission's Rules to be brought to the notice of the persons to whom they apply.

(6) Evidence of a rule may be given by the production of a document certified under the seal of the Commission as a true copy of the rule.

Delegations

21. The Commission may delegate the Commission's powers under this or another Act to—

- (a) a Commissioner; and
- (b) an officer or employee of the Commission; and
- (c) a person or body of persons engaged by the Commission under section 19(2)(f).

Commission subject to direction of Minister

23.(1) The Minister may give written directions to the Commission in relation to the administration, management and control of corrective services.

(2) The Commission shall comply with the directions of the Minister given under subsection (1).

Division 3—Proceedings and business**Times and places of meetings**

24.(1) Meetings of the Commission are to be held at the times and places it decides.

(2) However, the Commission must meet at least once every month.

(3) The chairperson—

- (a)** may at any time call a meeting of the Commission; and
- (b)** must call a meeting if asked by 3 commissioners.

Presiding at meetings

25.(1) The chairperson of the Commission shall preside at every meeting of the Commission at which the chairperson is present and, in the chairperson's absence, the deputy chairperson, if present, shall preside.

(2) If both the chairperson and deputy chairperson are absent from a meeting, a commissioner elected by commissioners present at that meeting from amongst those present (if they constitute a quorum) shall preside.

(3) A commissioner elected to preside at a meeting, while so presiding, shall have and may exercise the powers and authorities and shall discharge the functions and duties of the chairperson.

Quorum at meetings

26. A quorum of the Commission shall consist of a majority of the number of commissioners for the time being holding office.

Notice of meetings

27.(1) Notice of every meeting or adjourned meeting, other than a meeting adjourned to a later hour of the same day on which such meeting was appointed to be held, shall be in writing and shall be given to each commissioner at least 7 days prior to the date appointed for such meeting.

(1A) However, in circumstances which in the opinion of the chairperson

of the Commission or of 3 other commissioners constitute an emergency, the chairperson or, as the case may be, such 3 commissioners may upon notice to all the commissioners call a meeting of the Commission and the same may be validly held notwithstanding that the notice given is for less than the time prescribed for a notice of meeting.

(2) A notice of a meeting or an adjourned meeting may be given to a commissioner by leaving it at or by sending it by prepaid post letter addressed to the commissioner's place of business or residence last known to the person or persons giving the notice and such giving shall be deemed to have been effected at the time when the notice was left or, as the case may be, when it would be delivered in the ordinary course of post.

(3) Subsections (1) and (1A) shall not be construed as requiring notice of a meeting to be given to a commissioner in respect of any meeting proposed to be held while the commissioner is on leave of absence granted by the Commission.

Adjournment of meetings

28.(1) The commissioners present at a meeting of the Commission may adjourn the meeting from time to time.

(2) If a quorum is not present at a meeting within 15 minutes after the time appointed for the meeting to commence, the commissioner or commissioners present or the majority of them if more than 2 are present may adjourn such meeting to any time not later than 14 days from the date of such adjournment.

(3) Subsections (1) and (2) shall not be construed to prevent the adjournment of a meeting to a later hour of the same day on which such meeting was appointed to be held.

Conduct of Commission's affairs

29.(1) The Commission shall exercise or discharge a power, authority, function or duty by majority vote of the commissioners present at a meeting and voting on the business in question.

(1A) The person who is duly presiding at a meeting, if the person is entitled to vote, shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

(2) The Commission shall cause to be recorded in a book provided for the purpose (the “**minute book**”), kept under the superintendence of the chairperson of the Commission—

- (a) particulars of all decisions of the Commission;
- (b) the names of the commissioners present at each meeting of the Commission;
- (c) the names of all commissioners voting on any question before the Commission on which a division is called.

(2A) Every entry in the minute book shall be signed at the meeting of the Commission next following the meeting at which the proceedings to which the entry relates were taken by the chairperson of the Commission or other person who duly presides at such next following meeting.

(3) Every entry in the minute book purporting to be signed as prescribed and every writing purporting to be a copy of or extract from such an entry (purporting to be signed by the chairperson of the Commission and sealed with the seal of the Commission) shall upon its production in any proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein without further proof of the regularity of the meeting to which the entry relates or of any other matter referred to therein.

Custody of seal; authentication of documents

30.(1) The common seal of the Commission shall be in the custody of the secretary.

(2) The common seal shall not be affixed to a document except under the authority of a resolution of the Commission.

(3) Every document to which the common seal is affixed shall be signed by a commissioner or the secretary.

(4) The fact that a document has affixed thereto the common seal of the Commission and has been attested is evidence and, in the absence of evidence to the contrary, conclusive evidence that the document is one to which the common seal has been duly affixed.

(5) Except where it is by this Act otherwise prescribed, a document made or issued by the Commission for the purposes of this Act or the *Corrective*

Corrective Services (Administration) Act 1988

Services Act 1988 shall be sufficiently authenticated if it is made or, as the case may be, signed by a commissioner or the secretary.

Disclosure of interest

32.(1) If a commissioner—

- (a) is or has been associated (otherwise than as an officer of the Commission or of the public service) with a prisoner or an offender; or
- (b) has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter;

and is present at a meeting of the Commission at which—

- (c) a matter concerning that prisoner or offender (not being a matter concerning prisoners or offenders generally or all prisoners or offenders in a class of prisoners or offenders); or
- (d) the contract or proposed contract or other matter;

is to be considered the commissioner shall, at the meeting and as soon as practicable after its commencement, disclose the fact of the commissioner's association or, as the case may be, the commissioner's interest and shall not participate in the consideration of or vote on any question with respect to the matter or, as the case may be, contract, proposed contract or other matter and for the purpose of determining whether a quorum is present during the period of that consideration or at the time at which the vote was taken the presence of the commissioner at the meeting shall be disregarded.

(2) A general notice given in writing to the secretary by a commissioner to the effect—

- (a) that the commissioner is or has been associated with a specified prisoner or offender shall, unless and until the notice is withdrawn, be a sufficient disclosure of the commissioner's association with that prisoner or offender in relation to any matter concerning that prisoner or offender that may become the subject of consideration by the Commission after the date of the notice;
- (b) that the commissioner or the commissioner's spouse or a member of the commissioner's family is a member or an employee of a specified body corporate or that the commissioner

Corrective Services (Administration) Act 1988

or the commissioner's spouse or a member of the commissioner's family is a partner or an employee of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of the commissioner's interest in any contract, proposed contract or other matter made, proposed to be made or relating to that body corporate or person which may become the subject of consideration by the Commission after the date of the notice.

(2A) Each notice given under subsection (2) shall be tabled at the first meeting of the Commission held after it is given.

(3) Particulars of each disclosure made under subsection (1) and each notice given under subsection (2) shall be recorded—

- (a) in the minutes of the meeting at which the disclosure is made or, as the case may be, the notice is tabled;
- (b) by the secretary in a book kept for that purpose which book shall be open for inspection at all reasonable times by any commissioner.

(4) In circumstances where a commissioner present at a meeting is not permitted to participate in the consideration of or vote on any question with respect to a prisoner or offender or a contract, proposed contract or other matter by reason of subsection (1), the other commissioners present at that meeting (if they constitute a quorum) may by resolution exclude the commissioner from the meeting.

(5) A commissioner who is or has been associated with a prisoner or offender or has an interest in any contract, proposed contract or other matter as prescribed by this section and who fails to comply with subsection (1) commits an offence against this Act unless the commissioner proves that at the relevant time the commissioner was not aware and could not reasonably have been expected to be aware of the commissioner's association or interest.

Maximum penalty—10 penalty units.

(6) For the purpose of this section the interest of a spouse of a commissioner, or of any member of the family of a commissioner, living with that commissioner in any contract, proposed contract or other matter shall, if known to that commissioner, be deemed to be also the interest of that commissioner.

(7) In this section—

“**offender**” means a person subject to a probation order, a community service order or a fine option order.

PART 3—PROVISIONS AFFECTING PERSONNEL

Appointment of Director-General and secretary

33.(1) The Commission shall appoint a person to be the Director-General of Corrective Services and a person to be the secretary to the Commission.

(2) The Director-General shall be engaged and employed on a contract basis and the contract shall set out the duration of the Director-General’s appointment, the salary and allowances which the Director-General is to be paid and the terms and conditions of the Director-General’s employment.

Other officers of Commission

34.(1) The Commission may appoint and employ on salary or wages or engage and employ on a contract basis—

- (a) a Director of Custodial Corrections, a Director of Community Corrections and such general managers, managers, custodial correctional officers, community correctional officers and other persons as are necessary for the effectual administration of the *Corrective Services Act 1988*; and
- (b) such persons as are necessary for the effectual administration of this Act and to facilitate the exercise of its powers and the discharge of its functions.

(2) Subject to any applicable award or industrial agreement within the meaning of the *Industrial Relations Act 1990* or to the terms and conditions of a contract, persons employed by the Commission shall be paid salary, wages and allowances at such rates and shall be employed under such conditions of employment (including conditions as to leave entitlements) as the Commission determines.

(3) Upon the appointed day—

- (a) all persons who, immediately prior to that day, were officers of the public service employed in the prison service or the Office of the Chief Probation and Parole Officer; and
- (b) such other persons as are determined by the Governor in Council who, immediately prior to that day, were officers of the public service employed in the Department of Corrective Services and Administrative Services;

shall cease to be officers of the public service and shall become and be officers employed by the Commission.

(3A) Each of those persons shall be paid initially salary at a rate not less than that appropriate to the salary classification on which the person was employed within the public service immediately before the appointed day and the person shall be employed in all other respects—

- (a) where there are officers of the public service performing similar duties—subject to such conditions of employment as are applicable in respect of those officers;
- (b) in a case to which paragraph (a) does not apply—subject to such conditions of employment as were applicable to the person as an officer of the public service immediately before that day;

until such salary is or conditions are determined by the Commission pursuant to this section or by an applicable award or industrial agreement for an officer or employee of the Commission performing similar duties.

(3B) Salaries, wages, allowances and emoluments payable in respect of those persons shall be paid out of the funds of the Commission.

(4) A person, other than a person to whom section 36(2) refers who is employed full-time in a permanent capacity by the Commission is deemed to be an officer within the meaning of the *State Service Superannuation Act 1972* and the provisions of that Act shall apply to and in respect of the person accordingly unless the Governor in Council otherwise determines.

Conditions of employment on contract

35. Where a person is engaged and employed under this Act on a contract basis, the conditions of the person's employment shall not be

subject to any industrial award or industrial agreement or any determination or rule of an industrial tribunal.

Rights of officers previously employed in the public service

36.(1) A person who pursuant to section 34(3) is an officer of the Commission shall nevertheless, for as long as the person continues in the employment of the Commission in a permanent capacity, retain and may claim against the Commission in respect of all leave entitlements that have accrued to the person as an officer of the public service and for the purpose of the accrual of long service leave the person's service with the Commission and as an officer of the public service shall be deemed to be continuous service as an officer or employee of the Commission.

(2) Where a person is an officer of the Commission pursuant to section 34(3) and was, immediately before becoming such an officer, an officer within the meaning of a superannuation Act, for as long as the person continues in the full-time employment of the Commission in a permanent capacity—

- (a) all entitlements (if any) which, immediately before the day on which the person became an officer of the Commission, have accrued or are accruing in respect of the person under that Act shall be retained; and
- (b) the person shall be deemed to continue to be an officer within the meaning of that Act and the provisions of that Act shall apply accordingly.

(2A) In subsection (2)—

“superannuation Act” means—

- (a) the *Public Service Superannuation Act 1958*;
- (b) the *State Service Superannuation Act 1972*.

(3) Notwithstanding any other provision of this Act, for a period of 5 years commencing on the appointed day, a person who is an officer of the Commission pursuant to section 34(3) shall for the purposes only of the person being appointed to a position in the public service or of any provision of the *Public Sector Management Commission Act 1990* that confers or regulates a right of appeal against promotion, be deemed to

continue to be an officer of the public service employed in the department of the Government of the State by which the Minister administers this Act upon the classification which the person held immediately prior to the appointed day.

(4) For the purpose of calculating the entitlements to leave of a person appointed to a position in the public service pursuant to subsection (3), the period during which the person was an officer of the Commission pursuant to section 34(3) shall be deemed to be service in the public service and shall be deemed to be continuous with the service in the public service had by the person prior to that period and service in the public service after that appointment.

(5) Where the contract of employment made with the Commission by an officer of the Commission who holds an office upon a contract basis is terminated otherwise than by way of disciplinary action pursuant to that contract the officer is entitled to elect to continue to be employed as an officer, though not upon a contract basis, at a level of salary determined by the Commission but not less than the level of salary at which the officer was employed at the time immediately before the officer first accepted employment upon a contract basis, adjusted to accord with movements in rates of salaries since that time and, if the officer does so elect, the officer shall renounce all entitlements secured to the officer by the contract of employment in the event of its termination in the circumstances in which the termination has occurred.

(6) Every such election—

- (a) shall be made in writing signed by the officer and given to the Commission no later than 14 days after notice of termination of the contract has been given to the officer; and
- (b) upon being duly made, shall have the effect that the elector's services as an officer shall be deemed not to have been terminated by the termination of the officer's contract of employment but to have continued in accordance with the terms of election prescribed by subsection (5).

(7) Subsection (5) applies only in relation to an officer who became such pursuant to section 34(3) and who at the time the officer was first appointed to an office upon a contract basis has been continuously employed full-time in a permanent capacity in an office with the Commission, and whose

service in the last mentioned office and in any office or offices subsequently held by the officer until the termination of the contract in question has been continuous.

Participation in superannuation scheme pursuant to other Act

37. Nothing contained in section 34 or 36 shall be so construed as to prevent the Commission or any person from participating in any superannuation scheme pursuant to any other Act.

Contributions by Commission

38.(1) In respect of a person who contributes to the State Service Superannuation Fund and is referred to in section 34(4) or 36(2) the Commission shall pay to each fund referred to in the *Public Service Superannuation Act 1958* or the *State Service Superannuation Act 1972* such sums (if any) as would have been payable by or on behalf of the Crown by way of contribution to that fund had the contributor been an employee of the Crown and had been paid salary at the rate paid to the person at the material time by the Commission.

(2) Moneys payable by the Commission to a fund pursuant to subsection (1) and remaining unpaid may be recovered by action in a court of competent jurisdiction by the State Service Superannuation Board constituted under the *State Service Superannuation Act 1972* as a debt due to that board.

Resignation

39.(1) An officer of the Commission whose conditions of employment are governed by a contract of employment that provides for the officer's resignation and the manner thereof may resign the officer's employment in accordance with the contract of employment.

(2) An officer of the Commission other than one referred to in subsection (1) may at any time resign the officer's employment.

Retirement

40.(1) An officer of the Commission may elect to retire on or after turning 55.

(2) If the Commission suspects on reasonable grounds that an officer of the Commission by reason of mental or physical infirmity has not the capacity or is unfit—

- (a) to discharge efficiently the duties of the office; and
- (b) to discharge efficiently any other duties that the Commission might reasonably direct the officer to discharge;

the Commission shall obtain medical opinion on the officer's condition and to that end may appoint any medical practitioner or medical practitioners to examine the officer and report to the Commission upon the officer's mental or physical condition or both and may direct the officer to submit himself or herself to such examination.

(3) If the Commission believes on reasonable grounds that an officer of the Commission by reason of mental or physical infirmity has not the capacity or is unfit as prescribed by subsection (2), the Commission may call upon the officer to retire from the officer's employment with the Commission within the time specified by the Commission.

(4) If an officer of the Commission called upon pursuant to subsection (3) to retire does not retire within the time specified, the Commission may dismiss the officer from the officer's employment with the Commission.

Mode of resignation or retirement

41. The resignation or retirement of an officer of the Commission shall be effected by signed written notice given to the Commission and take effect as prescribed by the regulations.

Retrenchment

42. Where the Commission is satisfied that—

- (a) the services of an officer of the Commission can no longer be gainfully utilised in the office held by the officer because the

office has become redundant; and

- (b) it is not practicable to retrain or redeploy the officer; and
- (c) the redundancy arrangements approved by the Governor in Council have been complied with in relation to the officer;

the Commission may terminate the services of the officer by way of retrenchment in accordance with those redundancy arrangements.

Discipline

43.(1) An officer or employee of the Commission, other than an officer employed upon a contract basis, is liable to disciplinary action upon any of the following grounds shown to the satisfaction of the Commission to exist, namely—

- (a) incompetence or inefficiency in the discharge of the duties of office or attaching to the employee's employment;
- (b) negligence, carelessness or indolence in the discharge of duties of office or attaching to the employee's employment;
- (c) a contravention or failure to comply with a provision of the code of conduct prescribed pursuant to section 20(2);
- (d) absence from duty except—
 - (i) upon leave duly granted; or
 - (ii) with reasonable cause;
- (e) wilful failure to comply with a lawful direction issued to the officer or employee by the Commission or by another person having authority over the officer or employee;
- (f) conviction, whether in or outside Queensland, of an offence.

(2) Where action against an officer or employee is contemplated on a ground referred to in subsection (1)(d) the Commission may appoint any medical practitioner or medical practitioners to examine the officer or employee and to report to the Commission upon the officer's or employee's mental or physical condition or both, and may direct the officer to submit himself or herself to such examination.

(3) Where the Commission is satisfied that an officer or employee

should be disciplined pursuant to subsection (1), the Commission may order that the officer or employee be disciplined in a manner that appears to it to be warranted.

(4) Without limiting the range of disciplines that may be imposed pursuant to subsection (3), such disciplines may consist of—

- (a) dismissal;
- (b) reprimand;
- (c) forfeiture or deferment of a salary increment or increase;
- (d) reduction in the officer's or employee's level of salary or wages;
- (e) a deduction from the officer's or employee's salary or wages of an amount not exceeding 2 penalty units.

(5) Every order made pursuant to subsection (3) shall take effect in law and shall be given effect.

Implementation or order

44. An order made by the Commission pursuant to section 43 shall not be implemented—

- (a) where an appeal is instituted pursuant to this Act in respect of the disciplinary action to which the order relates—until after the determination of the appeal or the withdrawal of the appeal, whichever event sooner occurs;
- (b) where an appeal is not so instituted—until the time in which such an appeal may be instituted has expired.

Suspension

45.(1) Where—

- (a) it appears on reasonable grounds to the Commission that an officer or employee of the Commission is liable to disciplinary action under section 43 or is suspected of involvement in circumstances such that the proper and efficient discharge by the Commission of its functions or duties or the security and good order of a prison might be prejudiced if the officer's or

employee's services are continued; or

- (b) an officer or employee of the Commission is charged in Queensland with having committed an indictable offence or is charged elsewhere with having committed an offence which if it had been committed in Queensland would be an indictable offence;

the officer or, as the case may be, employee may be suspended from duty by the Commission.

(2) A suspension imposed by the Commission pursuant to subsection (1) may be lifted at any time by the Commission.

(3) An officer or employee suspended from duty shall not be entitled to receive salary or wages for any period during which the officer or employee does not perform the duties of the officer's office or attaching to the employee's employment, unless the Commission otherwise determines.

(4) An officer or employee suspended from duty who is not entitled to salary or wages for the period of suspension, if the officer or employee resumes duty as an officer or employee of the Commission upon the lifting of the suspension, shall be entitled to receive a sum equivalent to the amount of salary or wages the officer or employee would have received had the officer or employee not been suspended diminished by the amount of salary, wages or fees (if any) to which the officer or employee became entitled from any other source during the period of suspension, unless the Commission otherwise determines.

PART 4—FINANCIAL PROVISIONS

Commission entitled to certain moneys

51. On the appointed day the Commission is entitled to receive—

- (a) all moneys appropriated by Parliament to the Department of Corrective Services and Administrative Services for the purpose of corrective services and not expended by that department for that purpose;

- (b) all moneys that, immediately before that day, stood to the credit of the fund called the 'Prisons Department Special Standing Fund' kept at the Treasury;
- (c) all moneys that, immediately before that day, stood to the credit of the fund called the 'Prisoners' Amenities Trust Fund' kept by the Comptroller-General of Prisons;
- (d) all moneys that, immediately before that day, are held to the credit of any prisoner pursuant to the *Prisons Act 1958*.

Funds to be maintained

52. The Commission shall establish and at all times maintain in accordance with this Act the following funds—

- (a) a General Fund;
- (b) a Trust Fund;
- (c) a Prisoners' Trust Fund.

General Fund

53.(1) There shall be paid into the General Fund—

- (a) the moneys to which the Commission is entitled under section 51(a) and (b);
- (b) all moneys appropriated by Parliament from time to time for the purposes of and paid to the Commission;
- (c) all moneys received by the Commission by way of commission;
- (d) all moneys arising from any source when such moneys are not required by this Act or the *Corrective Services Act 1988* to be paid into any other fund.

(2) Moneys from time to time forming the General Fund shall be applied to—

- (a) expenditure incurred in the exercise and discharge of the Commission's powers, authorities, functions and duties;
- (b) expenditure incurred by the Department of Corrective Services and Administrative Services in respect of corrective services

before the appointed day and remaining unpaid at that day;

- (c) crediting, in accordance with the regulations, moneys to a fund kept pursuant to section 56.

(3) Except to the extent approved by the Minister either generally or in a particular case, the Commission shall not make payments in respect of its General Fund in excess of the moneys from time to time standing to the credit of that fund.

Trust Fund

54.(1) There shall be paid into the Trust Fund—

- (a) the moneys to which the Commission is entitled under section 51(c);
- (b) moneys paid to the Commission by way of deposit;
- (c) moneys paid to the Commission in trust for any persons other than moneys required by section 55 to be paid into the Prisoners' Trust Fund;
- (d) interest earned on moneys from time to time forming the Prisoners' Trust Fund.

(2) Moneys from time to time forming the Trust Fund shall be applied—

- (a) in the case of moneys referred to in subsection (1)(a) and interest earned on moneys from time to time forming the Prisoners' Trust Fund—to providing sporting and other recreational amenities for prisoners;
- (b) in the case of moneys received by way of deposit—according to the terms on which the deposit is held;
- (c) in the case of moneys held in trust for any persons—to payments on account of those persons.

(3) In subsection (1)(b)—

“moneys paid to the Commission by way of deposit” refers to money paid by way of earnest and does not refer to a deposit of money by way of loan, subsidy or grant.

Prisoners' Trust Fund

55.(1) There shall be paid into the Prisoners' Trust Fund—

- (a) all moneys that, immediately before the appointed day, are held by any superintendent in charge of a prison on behalf of any prisoner;
- (b) the moneys to which the Commission is entitled under section 51(d);
- (c) all moneys received by the general manager of a prison on behalf of a prisoner;
- (d) all moneys credited to prisoners under subsection (2).

(2) There shall be credited to a prisoner who—

- (a) was, immediately before the appointed day, a prisoner within the meaning of the *Prisons Act 1958*; and
- (b) would, but for the commencement of the *Corrective Services Act 1988*, have been eligible, upon release or discharge, to be paid an amount pursuant to section 349 of the *Prisons Regulation 1959*;

an amount equal to the amount which the prisoner would have been paid pursuant to that regulation if—

- (c) the *Corrective Services Act 1988* had not commenced; and
- (d) the prisoner was eligible to be discharged or released on the appointed day; and
- (e) the period of the prisoner's sentence was the period of imprisonment actually served by the prisoner as at that day.

(3) Moneys held in the Prisoners' Trust Fund to the credit of a prisoner—

- (a) may, with the consent of the Commission, be expended by the prisoner;
- (b) shall, if the Public Trustee is managing the prisoner's estate and the Public Trustee so directs, be paid to the Public Trustee;
- (c) shall be paid to the prisoner upon being discharged or released on parole.

Other prescribed funds

56.(1) The regulations may prescribe that 1 or more other funds be established and kept by the Commission and the purposes for which such funds are to be applied.

(2) The Commission shall establish and maintain all such funds as are so prescribed and shall cause the moneys for the time being forming such a fund to be applied to the purpose prescribed in respect of that fund.

Budget of Commission

57.(1) As soon as practicable after it is first constituted the Commission shall, in respect of the General Fund, adopt and present to the Minister a budget showing its estimates of its receipts and disbursements in respect of the balance of the financial year in which the budget is presented and thereafter the Commission shall, in respect of that fund, before the commencement of each succeeding financial year adopt and present to the Minister a budget showing its estimates of its receipts and disbursements in respect of that succeeding financial year.

(2) A budget of the Commission shall be of no force or effect until it is approved by the Minister.

(3) The Minister may amend a budget of the Commission in such a way as the Minister thinks fit and shall amend it where necessary and in any item so that it shall as nearly as possible balance for the financial year to which it relates having regard to the sums that may be appropriated by Parliament to the Commission and to any other revenues reasonably expected by it for that financial year.

(4) When the Minister has approved of a budget of the Commission the budget as approved, whether or not it has been amended pursuant to subsection (3), shall be binding upon the Commission.

Observance of budget

58.(1) Subject to subsection (2), the Commission shall confine its disbursements from the General Fund throughout a financial year within the items and amounts contained in its budget for that financial year as approved by the Minister.

(2) If during any financial year it appears to the Commission that an extraordinary circumstance has arisen which requires the Commission to make a disbursement in that financial year from the General Fund that was not provided for in the budget (as approved) for that financial year or that exceeds the amount estimated in respect of that disbursement in the budget (as approved) for that financial year the Commission shall, before making the disbursement or excess disbursement—

- (a) by resolution, approve that the disbursement or excess disbursement be made; and
- (b) obtain the approval of the Minister for an amendment to the budget.

(3) The Commission shall ensure that the budget in respect of the General Fund as amended and approved will not then be exceeded in particular or in total by the disbursement or excess disbursement referred to in subsection (2).

Treatment of surplus and deficit

59.(1) If at the close of any year for which a budget is framed there is a surplus or deficit in the General Fund the same shall be carried forward and taken into account in framing the budget for the next following year unless, in the case of a deficit, it is extinguished by money paid to the Commission by the Treasurer for that purpose.

(2) At the close of each year for which a budget is framed all authorisations of expenditure for any item provided for in the budget so framed shall lapse but may be re-authorised.

Payment of grants to Commission

60. Subject to appropriation by Parliament of money for the purpose the Treasurer may pay to the Commission by way of grant moneys in such amount and for such purpose as is approved by the Governor in Council on the recommendation of the Treasurer.

PART 5—MISCELLANEOUS

Secrecy

61.(1) A commissioner or other person shall not, without the prior approval of the Commission, produce in any court or provide to any person any document, or disclose to any court or person any information, that has come into his or her possession or to his or her knowledge in the discharge of his or her functions or the exercise of his or her powers under a prescribed Act unless—

- (a) the commissioner or other person does so for the purposes of a prescribed Act; or
- (b) the commissioner or other person is required to do so by order of any court or Judge or otherwise by law.

(2) A person who fails to comply with subsection (1) commits an offence against this Act.

Maximum penalty—10 penalty units.

(3) For the purposes of subsection (1) each of the following Acts is a prescribed Act—

- (a) this Act;
- (b) *Corrective Services Act 1988*;
- (c) *The Prisons Act of 1958*;
- (d) *Penalties and Sentences Act 1992*;
- (e) *Prisoners (Interstate Transfer) Act 1982*;
- (f) *Parole Orders (Transfer) Act 1984*;
- (g) an Act prescribed by regulation for the purpose of subsection (1).

Protection for acts done pursuant to Acts

62.(1) No matter or thing done or omitted to be done—

- (a) by any person pursuant to this Act or the *Corrective Services Act 1988*; or

Corrective Services (Administration) Act 1988

- (b) bona fide and without negligence for the purposes of this Act or the *Corrective Services Act 1988*;

shall subject that person to any liability.

(2) A person (and any person assisting the person) who, in the discharge of a function or the exercise of a power under Part 2 of the *Corrective Services Act 1988*, uses force to a person that is reasonable in the circumstances and that does not cause and that is not likely to cause death or grievous bodily harm is not liable to be charged with any offence in respect of the use of that force.

(3) Where any question arises as to whether a person's liability for any act or omission, the subject of any proceedings, is negated under subsection (1) and the person claims to have acted pursuant to or for the purposes of this Act or the *Corrective Services Act 1988*, the burden of proof of negligence and the absence of good faith shall lie upon the person alleging to the contrary.

(4) Any proceedings taken against any person for any act or omission that the person alleges was done or not done pursuant to or for the purposes of this Act or the *Corrective Services Act 1988* may, upon application to the court in which they are taken, be stayed if the court is satisfied that there is no reasonable ground for alleging negligence or, as alleged, want of faith or both or, without limiting the provisions of any other Act, that the proceedings are frivolous or vexatious.

(5) Nothing in this section shall be so construed as to deprive any person of any defence that the person would have independently of this section.

Commission deemed to be owner of property

63.(1) For the purpose of any proceedings—

- (a) every prison and community corrections centre; and
- (b) anything (whether animate or inanimate) appropriated to the use of commissioners, or officers or employees of the Commission, or prisoners or persons subject to probation orders, community service orders or fine option orders or anything, not being the private property of any person, used by a commissioner, or an officer or employee of the Commission, in an official capacity;

shall on and from the appointed day be deemed to be the property of the Commission.

(2) In any proceedings a certificate purporting to be signed by a commissioner, the Director-General or the secretary stating that in respect of any property—

- (a) the Commission is or was at any time or during any specified period the owner of the property; or
- (b) no consent has been given to the act or breach of duty specified in the certificate alleged to have been committed in relation to the property;

shall upon its production be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters stated.

Surrender of equipment

64.(1) Upon a person ceasing to be a commissioner, or an officer or employee of the Commission, the person shall surrender to the Commission—

- (a) any form of identification; and
- (b) any firearm or other weapon; and
- (c) any other thing prescribed by the Commission's Rules for the purposes of this section;

issued to that person in the person's capacity as a commissioner, officer or employee and if the person fails to do so the person commits an offence against this Act and is liable to a penalty of 10 penalty units.

(2) A justice may, upon the complaint of the chairperson of the Commission or a commissioner authorised in that behalf by the chairperson, issue the justice's warrant authorising the person named in it or a member of a class of person specified in it to search for and seize on behalf of the Commission anything specified in subsection (1) and not surrendered as required by that subsection and for that purpose to enter any premises or place in which the thing sought is believed to be by the person executing the warrant and to break open any receptacle that is capable of containing the thing sought.

Service of documents on Commission

65. Where by or under any Act any application, notice or other document is required or authorised to be given to or served on the Commission the application, notice or document shall be taken to have been so given or served if given to the secretary.

Prosecutions

66.(1) A prosecution for an offence against this Act shall be by way of summary proceedings under the *Justices Act 1886* on complaint by a person authorised in that behalf, either generally or in the particular case, by the Commission.

(2) The authority of a person to make a complaint referred to in subsection (1) shall be presumed until the contrary is proved.

(3) Proceedings for an offence against this Act may be instituted within 12 months after the commission of the offence or within 6 months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

Certificate of secretary evidence of Commission's decisions

67. Where in any proceedings it is relevant to prove the decision or determination of the Commission given in respect of any matter (whether under this or any other Act) a certificate purporting to be signed by the secretary and setting out the decision or determination of the Commission shall upon its production in the proceedings be evidence and, in the absence of evidence to the contrary, conclusive evidence of the decision or determination.

Protection of Commission's name

68.(1) Unless it has the prior written permission of the Commission to do so an association or body of persons (whether corporate or unincorporate), other than the Commission, shall not have the expression 'Queensland Corrective Services Commission' or 'Corrective Services Commission' or an expression resembling either of those expressions as or part of its name.

(2) Where a contravention of subsection (1) occurs in respect of an association or body of persons (whether corporate or unincorporate) each of the members of the governing body of that association or body (by whatever name called) shall be deemed to have contravened that subsection and thereby to have committed an offence against this Act.

(3) A person deemed to have committed an offence pursuant to subsection (2) may be proceeded against for that offence and if convicted is liable to a penalty of 10 penalty units.

Grant in fee simple of certain lands to Commission

69. The power conferred by the *Land Act 1962* on the Governor in Council to grant in fee simple any Crown land within Queensland includes power to make such a grant to the Commission for the purpose of corrective services in priority to and to the exclusion of all other persons notwithstanding the provisions of that Act.

Annual report

70.(1) The Commission shall, as soon as practicable after 30 June in each year, prepare and forward to the Minister a report containing details of its operations and its administration of this Act and the *Corrective Services Act 1988* during the period of 12 months ending on that date together with details of such other matters as the Minister may direct.

(2) The Minister shall lay the report before the Legislative Assembly within 14 sitting days after the day on which the Minister receives it.

Regulations

71.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may make provision with respect to—

- (a) all matters that arise in connection with the entitlements, responsibilities, authorities, obligations and liabilities of officers and employees of the Commission;
- (b) the engagement of a person or body of persons to conduct on the Commission's behalf any part of its operations and in respect

thereof the training of persons for the purpose of their being authorised under section 19(3) and all matters that arise in connection with the responsibilities, obligations and liabilities of such persons while undergoing such training or so authorised;

- (c) the circumstances in which a commissioner is to be taken to be or to have been associated with another person for the purposes of section 32;
- (d) all matters that, in the Governor in Council's opinion, are necessary or convenient to be prescribed for the proper exercise and discharge by the Commission of its functions and powers.

Review of Acts

72.(1) The Minister shall carry out a review of the operation of this Act and the *Corrective Services Act 1988* during the final 6 months of the term of appointment of the commissioners appointed in the second appointment of commissioners and shall carry out a further review within 5 years after carrying out the first review.

(2) In carrying out a review under subsection (1) the Minister shall consider and have regard to—

- (a) the effectiveness of the operations of the Acts and the Commission;
- (b) the need for the continuation of the Commission;
- (c) such other matters as appear to the Minister to be relevant to the operation and effectiveness of the Acts.

(3) The Minister shall, as soon as is reasonably practicable, prepare a report based on the Minister's review of the Acts and shall lay the report before the Legislative Assembly within 14 sitting days after the report is prepared.

ENDNOTES**1 Index to Endnotes**

	Page
2 Date to which amendments incorporated	38
3 List of legislation	38
4 List of annotations	39
5 Table of changed citations and remade laws	41
6 Table of obsolete and redundant provisions	42
7 Table of corrected minor errors	42
8 Table of renumbered provisions	42

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 7 July 1994. Future amendments of the Corrective Services (Administration) Act 1988 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation**Corrective Services (Administration) Act 1988 No. 87**

date of assent 1 December 1988

commenced on date of assent

as amended by—

Public Sector Management Commission Act 1990 No. 5 s 7.12 Sch

date of assent 4 April 1990

commenced 4 April 1990 (proc pubd Gaz 4 April 1990 p 1675)

Justice Legislation (Miscellaneous Amendments) Act 1991 No. 42 s 3 Sch

date of assent 5 August 1991

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1991 No. 97 s 3 Sch 2

date of assent 17 December 1991

commenced on date of assent

Justice Legislation (Miscellaneous Provisions) Act 1992 No. 40 s 163 Sch 1

date of assent 14 August 1992
 amendment 9 commenced 22 June 1992 (see s 2(2))
 remaining amendments commenced on date of assent

Penalties and Sentences Act 1992 No. 48 s 207 Sch

date of assent 24 November 1992
 commenced 18 December 1992 (1992 SL No. 393)

Corrective Services (Administration) Amendment Act 1994 No. 22 Pts 1–2, s 3 Sch

date of assent 10 May 1994
 ss 1–2 commenced on date of assent
 remaining provisions commenced 3 June 1994 (1994 SL No. 190)

Anti-Discrimination Amendment Act 1994 No. 29 s 3 Sch

date of assent 28 June 1994
 commenced 1 July 1994 (see s 2)

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
exp	=	expired
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Arrangement

s 3 om R1 (see RA s 36)

Occupation of premises and assignment of assets

s 4 om 1991 No. 97 s 3 Sch 2

Interpretation

s 6 def “appointed day” ins 1994 No. 22 s 3 Sch

def “**community corrections**” amd 1994 No. 22 s 3 Sch
def “**Minister**” om 1991 No. 97 s 3 Sch 2

Appointed day

s 7 om 1994 No. 22 s 3 Sch

Constitution of Commission

s 9 amd 1994 No. 22 s 4

Commissioners

s 10 amd 1991 No. 42 s 3 Sch; 1991 No. 97 s 3 Sch 2
sub 1994 No. 22 s 5

s 10(5)–(7) exp 3 June 1994 (see s 10(7))

Duration of appointment

s 11 prev s 11 om 1992 No. 40 s 163 Sch 1
pres s 11 ins 1994 No. 22 s 5

Fees and allowances

s 12 amd 1991 No. 42 s 3 Sch; 1992 No. 40 s 163 Sch 1
sub 1994 No. 22 s 5

Deputy chairperson

s 13 amd 1991 No. 42 s 3 Sch
om 1994 No. 22 s 5

Vacating commissioner’s office

s 14 amd 1991 No. 42 s 3 Sch
om 1994 No. 22 s 5

Casual vacancy in office of commissioner

s 15 amd 1991 No. 42 s 3 Sch
om 1994 No. 22 s 5

Fees and allowances of commissioners

s 16 om 1994 No. 22 s 5

Powers of Commission

s 19 amd 1992 No. 40 s 163 Sch 1

Rules

s 20 amd 1994 No. 22 s 3 Sch

Delegations

s 21 sub 1992 No. 40 s 163 Sch 1

Delegation prior to appointed day

s 22 om 1992 No. 40 s 163 Sch 1

Times and places of meetings

s 24 sub 1994 No. 22 s 3 Sch

Validity of acts

s 31 om 1994 No. 22 s 3 Sch

Disclosure of interest

s 32 amd 1994 No. 22 s 3 Sch

Rights of officers previously employed in the public service

s 36 amd 1990 No. 5 s 7.12(1) Sch

Retirement

s 40 amd 1994 No. 29 s 3 Sch

Discipline

s 43 amd 1992 No. 40 s 163 Sch 1

Appeal tribunals 46 amd 1991 No. 42 s 3 Sch
om 1994 No. 22 s 6**Nomination of persons who may be appointed members of appeal tribunal**

s 47 om 1994 No. 22 s 6

Fees and allowances of members of appeal tribunal

s 48 om 1994 No. 22 s 6

Appeals against promotional appointments, disciplinary action and suspension

s 49 om 1994 No. 22 s 6

Determination of appeal

s 50 om 1994 No. 22 s 6

Secrecy

s 61 amd 1992 No. 48 s 207 Sch; 1994 No. 22 s 3 Sch

Grant in fee simple of certain lands to Commission

s 69 amd 1992 No. 40 s 163 Sch 1

Regulations

s 71 amd 1992 No. 40 s 163 Sch 1; 1994 No. 22 s 3 Sch

SCHEDULE

om 1992 No. 40 s 163 Sch 1

5 Table of changed citations and remade lawsTABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Industrial Conciliation and Arbitration Act 1961	Industrial Relations Act 1990	Industrial Relations Act 1990 s 483

6 Table of obsolete and redundant provisionsTABLE OF OBSOLETE AND REDUNDANT PROVISIONS
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A

7 Table of corrected minor errorsTABLE OF CORRECTED MINOR ERRORS
under the Reprints Act 1992 s 44

Provision	Description
19(3)	om ‘conferred—’ ins ‘conferred on—’

8 Table of renumbered provisionsTABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
13(1)	13
24, 1st sentence	24(1)
25, 1st sentence	25(1)
25, 2nd sentence	25(2)
25, 3rd sentence	25(3)
27(1), proviso	27(1A)
28, 1st sentence	28(1)
28, 2nd sentence	28(2)
28, 3rd sentence	28(3)
29(1), 2nd sentence	29(1A)
29(2), 2nd sentence	29(2A)
32(2), 2nd sentence	32(2A)
32(5), 2nd sentence	32(5A)
34(3), 2nd sentence	34(3A)
34(3)(c)	34(3A)(a)
34(3)(d)	34(3A)(b)
34(3), 3rd sentence	34(3B)

36(2), 2nd sentence	36(2A)
36(2), 1st unnum para	36(2A)(a)
36(2), 2nd unnum para	36(2A)(b)
36(5), 2nd sentence	36(6)
36(5), 3rd sentence	36(7)
43(3), 2nd sentence	43(4)
43(3), 2nd sentence, 1st unnum para	43(4)(a)
43(3), 2nd sentence, 2nd unnum para	43(4)(b)
43(3), 2nd sentence, 3rd unnum para	43(4)(c)
43(3), 2nd sentence, 4th unnum para	43(4)(d)
43(3), 2nd sentence, 5th unnum para	43(4)(e)
43(3), 3rd sentence	43(5)
47(3), 2nd sentence	47(4)
49(4), 2nd sentence	49(5)
49(4)(c)	49(5)(a)
49(4)(d)	49(5)(b)
49(4), 3rd sentence	49(6)
50(1), 2nd sentence	50(1A)
50(3), proviso	50(4)
52, 1st unnum para	52(a)
52, 2nd unnum para	52(b)
52, 3rd unnum para	52(c)
61(3), 1st unnum para	61(3)(a)
61(3), 2nd unnum para	61(3)(b)
61(3), 3rd unnum para	61(3)(c)
61(3), 4th unnum para	61(3)(d)
61(3), 5th unnum para	61(3)(e)
61(3), 6th unnum para	61(3)(f)
61(3), 7th unnum para	61(3)(g)